

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CRAIG CUNNINGHAM,

Plaintiff,

v.

Case Number 15-00847

Honorable David M. Lawson

Magistrate Judge Barbara D. Holmes

THE 7 FIGURE WEALTH CORPORATION,
CHRISTIAN KINNEY, CORAZON
MANAGEMENT GROUP, INC., SUSIE
TREMBLAY-BROWN, MY MINDS EYE, LLC,
and JL NET BARGAINS, INC.

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
GRANTING DEFENANT'S MOTION TO SET ASIDE DEFAULT JUDGMENT,
SETTING ASIDE DEFAULT JUDGMENT, AND DIRECTING SERVICE**

Presently before the Court is the report issued on February 15, 2019 by Magistrate Judge Barbara D. Holmes pursuant to 28 U.S.C. § 636(b), recommending that the Court grant defendant Susie Tremblay-Brown's motion to set aside default judgment, set aside the judgment entered against that defendant, direct the assignee to return funds seized from Ms. Brown's account, and require the plaintiff to effectuate service on Ms. Brown within 30 days. Although the magistrate judge's report stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 292) is **ADOPTED**.

It is further **ORDERED** that defendant Susie Tremblay-Brown's motion to set aside default judgment (ECF No. 284) is **GRANTED**.

It is further **ORDERED** that the second corrected judgment entered on January 16, 2018 (ECF No. 274) is **SET ASIDE** as to defendant Susie Tremblay-Brown **ONLY**, and this case will proceed as though judgment had not been entered against that defendant.

It is further **ORDERED** that, **on or before March 18, 2019**, assignee James E. Shelton must return the \$1,159.89 seized from defendant Susie Tremblay-Brown's account and relinquish any control he maintains over Ms. Brown's accounts.

It is further **ORDERED** that the plaintiff must serve copies of the summons and third amended complaint on defendant Susie Tremblay-Brown **on or before April 3, 2019**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge
Sitting by special designation

Date: March 4, 2019